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March 20, 2008

VIA FACSIMILE

To: Supervisory Examiner: Michael Barr
Group Art Unit: 1792
U.S.P.T.O.

Facsimile No.: 571-273-8300

From: Scott M. Tulino, Esq.

Facsimile No.: 703-761-2375 or 76


Re: Petition for New Office Action
U.S. Patent Application Serial No.: 10/662,809
Our Ref. No.: NGB.292

Dear Supervisory Examiner Barr:

Attached herewith is a Petition for New Office Action for your consideration.

Thank you in advance for your kind consideration on this case.

Very truly yours,


Scott M. Tulino, Esq.
Registration No. 48,317

Sean M. McGinn, Esq.
Registration No. 34,386

SMT:SMM
Attachment
Number of pages (including this cover sheet): 5

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Serial No. 10/662,809
Docket No. T36-159069M/RS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Seiji Nagai et al.

Serial No.: 10/662,809

Group Art Unit: 1722

Filed: September 16, 2003

Examiner: Nagesh G. Rao

For: METHOD FOR PRODUCING GROUP III NITRIDE COMPOUND
SEMICONDUCTOR SUBSTRATE

Honorable Commissioner of Patents
Alexandria, VA 22313-1450

PETITION FOR NEW OFFICE ACTION

Sir:

Applicants petition for a new Office Action. Specifically, the Office Action dated March 18, 2008 is not responsive to the Amendment filed on February 6, 2008.

Applicants point out that the Examiner, in rejecting the claimed invention under 35 U.S.C. §102 or §103 must address each and every limitation recited in the claimed invention. The Examiner, however, has failed to address numerous features recited in the claimed invention (please note that this has been repeatedly pointed out to the Examiner – e.g., see Amendment filed February 6, 2008 at page 19).

For example, exemplary independent claim 1 recites, *inter alia*, “forming a second Group III nitride compound semiconductor layer by a halide vapor-phase epitaxy method at a temperature of not lower than 1000°C after said removing substantially the whole of said silicon substrate.” The Examiner merely addresses forming a second layer, but does not address when the second layer is formed.

Furthermore, in the Amendment filed on February 6, 2008, Applicants amended claim

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1 to recite, *inter alia*, "removing a part of said first Group III nitride compound semiconductor layer from said rear surface by etching after a completion of said forming a second Group III nitride compound semiconductor layer or during said forming a second Group III nitride compound semiconductor layer." The Examiner does not address this limitation in the rejection (nor did the Examiner address this feature in the previous Office Action – the above limitation was previously recited in exemplary dependent claim 3).

The Office Action dated March 18, 2008 does not address this amendment to the claims. Indeed, the Office Action dated March 18, 2008 appears substantially identical to the previous Office Action.

Exemplary dependent claim 4 recites, *inter alia*, "*forming, as an etching stopper layer, a Group III nitride compound semiconductor layer comprising a larger amount of aluminum than an amount of aluminum comprised in each of the first Group III nitride compound semiconductor layer and the second Group III nitride compound semiconductor layer before said forming a second Group III nitride compound semiconductor layer, wherein said removing almost the whole of said silicon substrate comprises completely removing the first Group III nitride compound semiconductor layer.*" The Examiner does not address this limitation in the rejection.

Moreover, exemplary dependent claim 7 recites, *inter alia*, "*wherein said buffer layer comprises a Group III nitride compound semiconductor layer comprising at least one of aluminum and a multi-layer comprising at least one Group III nitride compound semiconductor layer comprising aluminum.*" The Examiner does not address this limitation in the rejection.

Applicants point out that the above claim limitations are merely non-limiting examples of features the Examiner has failed to address in the Office Action.

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Moreover, as previously pointed out to the Examiner, in his rejection, the Examiner has merely paraphrased the claimed invention. While the Examiner's paraphrased discussion may relate to the teachings of Tischler, it does not accurately and completely explain the claimed invention.

Each of the above points (as well as numerous additional arguments) were previously presented to the Examiner (e.g., in the Amendment filed on February 6, 2008). The Office Action dated March 18, 2008 again fails to address any of these points and again fails to address the above claim limitations.

Accordingly, Applicants petition for a new Office Action which properly addresses all of Applicants' traversal arguments and properly address each and every limitation recited in the claims.

The undersigned hereby authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: March 20, 2008



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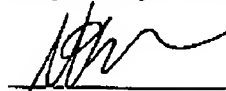
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FACSIMILE TRANSMISSION

I hereby certify that I am filing this paper via facsimile, to Group Art Unit 1792, at
(571) 273-8300, on March 20, 2008.

Respectfully Submitted,

Date: March 20, 2008



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